

REMARKS**Objections to Specification.**

Examiner has objected to the Specification as failing to provide support for terminology used in independent claims 45, 50, and 55 for determining the original control parameters to be used by customer equipment, and forming the pre-announce packets of these control parameters for each frame. Examiner argues that the portion of the Specification at page 3, lines 8-12, page 40, lines 4-8, and the present Abstract, all recite the determination of new control parameters and new pre-announce packets. Thus, Examiner argues that there seems to be no teaching in the Specification of the original control parameters and pre-announce packets which have been changed to provide the new packets.

Applicants submit that the Specification does teach the basic determination of the control parameters, and the packaging of such control parameters into original pre-announce packets. Applicants submit that implicit in any teaching of new control parameters and new pre-announce packets is the existence of the original parameters and packets which have been changed. In any event, Examiner is

referred to page 13, lines 6-18 which describes the construction of the pre-announce packets which are referred to as "new". However, from the teaching in the Specification, particularly with respect to Fig. 3C, described from page 27, line 1 to page 28, line 18, it is set forth that during the transmissions, the base station gets maintenance feedback from the customer, and changes the link parameters (p. 28, lines 15-16) in response to such feedback. Semantics aside, it would be obvious to one skilled in the art in reading the Specification that the customer parameters are updated as a result of feedback and that there is an original or first determination of parameters packaged into first pre-announce packet which then is changed i.e. further determination (based on feedback) into a subsequent or new determination resulting in a new pre-announce packet.

The Rejection of claims 45, 47, 50, 52, 55, and 57 as obvious over the combination of Raissinia (US6,430,193) in view of Malmgren (US6,807,154) under 35 USC 103(a) is respectfully traversed.

In order to have the basis for rejection under 35 USC 103, the basic reference must relate to a basic

implementation which is modifiable to provide the claimed invention. The data structure in Raissinia which the Examiner proposes for suggested modification is a codeword structure. The data structure which the claimed invention relates to is a frame in a TDMA (time division multiple access) protocol. TDMA protocols, as described in the Specification and known in the art, define a channel access method for wireless transmission which permits several users to share the same frequency channel by dividing the signal channel into different timeslots called frames. The users then transmit in rapid succession, one after another with each using its own timeslot or frame.

The present invention is directed to the structure of such frames in a TDMA protocol. The structure of the codewords in Rassinia has nothing to do with the structure of frames or timeslots in a TDMA protocol. Thus, Rassinia does not relate to a basic implementation which is modifiable to provide the claimed invention.

In addition, Raissinia does not suggest anything in the implementation of each frame in the TDMA process as defined in the present invention. The present claimed invention sets forth an implementation for each TDMA frame including:

determining control parameters to be used by customer equipment, and packaging these control parameters in descriptor packets being sent as a first pre-announce packet in each TDMA frame sent from the base station to the customer equipment.

Since Raissinia is not concerned with TDMA frame structures, it fails to describe such a descriptor packet or the sending of such a descriptor packet as the first packet in a time division multiple access frame.

The codeword structures in Raissinia cited by Examiner are not TDMA frame structures. In this connection, it should be noted that Raissinia does use TMDA protocols to transmit data. However, the Raissinia description shows no concern for the TMDA frame structure for any purpose, and does not in any way relate the described codewords to TDMA frames.

Furthermore, Raissinia fails to suggest the additional aspect of the present invention of determining new control parameters to be used by customer equipment, and packaging these new control parameters in new descriptor packets being sent as a first pre-announce packet in each TDMA frame sent from the base station to the customer equipment.

On this latter aspect, Examiner admits that there is no suggestion in Raissinia, and looks to Malmgren to make up for this deficiency in Raissinia. Malmgren does relate to TDMA frames but it is not seen why one skilled in the art would be led to try to modify the basic codeword teachings of Raissinia with Malmgren's teaching related to TDMA and MAC (Media Access Control). In any event, while Malmgren may describe updated information transmitted under TDMA protocols, Applicants fail to see anything in Malmgren suggestive of the claimed new descriptor packets or positioning of any such descriptor packets as a new first packet in a new time division multiple access frame.

With respect to the Rejection of Dependent Claims 48, 49, 53, 54, 58, and 59 under 35 USC 103(a) over Raissinia and Malmgren as set forth above, further in view of the definition from the Newton Telecom Dictionary, Applicants submit that the listed dependent claims are patentable for all of the reasons set forth hereinabove for the patentability of independent claims 45, 50, and 55 from which these claims respectively depend.

Conclusion

In view of the foregoing, Applicants submit that claims 45, 47-50, 52-55, and 57-59 are now in condition for allowance.

It is respectfully requested that the Final Rejection dated January 9, 2008 be withdrawn, this Application be allowed.

To discuss any matter pertaining to this Application, Examiner is invited to call the undersigned attorney at (650) 947-0700.

Respectfully submitted,

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